

Austin D. Kim

From: Engelmayer NYSD Chambers <EngelmayerNYSDChambers@nysd.uscourts.gov>
Sent: Tuesday, June 23, 2020 4:28 PM
To: Austin D. Kim
Cc: Alexander D. Pencu; Christopher J. Major; Zachary.Rosenbaum@kobrekim.com; jef.klazen@kobrekim.com; Darryl Stein
Subject: Re: Federal Republic of Nigeria et al. v. VR Advisory Services, Ltd., et al. (1:20-MC-00209-PAE) (S.D.N.Y.)

[External Email - Use Caution]

Good Afternoon Mr. Kim,

All correspondence with the Court must be filed in the first instance on the public docket of the case. Please file the below as a "letter" on ECF. Thank you.

Best,

Michael Ewart
Law Clerk to the Honorable Paul A. Engelmayer
United States District Court for the Southern District of New York
40 Foley Square
New York, NY 10007

From: Austin D. Kim <adk@msf-law.com>
Sent: Tuesday, June 23, 2020 3:13 PM
To: Engelmayer NYSD Chambers <EngelmayerNYSDChambers@nysd.uscourts.gov>
Cc: Alexander D. Pencu <adp@msf-law.com>; Christopher J. Major <cjm@msf-law.com>; Zachary.Rosenbaum@kobrekim.com <Zachary.Rosenbaum@kobrekim.com>; jef.klazen@kobrekim.com <jef.klazen@kobrekim.com>; Darryl Stein <darryl.stein@kobrekim.com>
Subject: Federal Republic of Nigeria et al. v. VR Advisory Services, Ltd., et al. (1:20-MC-00209-PAE) (S.D.N.Y.)

Dear Judge Engelmayer,

We write on behalf of the Federal Republic of Nigeria and its Attorney General, Abubakar Malami, (the "Applicants") in the above-referenced proceeding under 28 U.S.C. § 1782 (the "1782 Application"). By order dated May 14, 2020 (the "Order" - ECF 10), the Court granted Applicants' 1782 Application. Subsequent to the Order, counsel for Respondents VR Advisory Services, Ltd., VR Advisory Services (USA) LLC, VR Global Onshore Fund, L.P., VR Argentina Recovery Onshore Fund II, L.P., Jeffrey Johnson and Ashok Raju (together, "Respondents") agreed to accept electronic service of Applicants' subpoenas, and Applicants agreed to extend Respondents' time to respond to the subpoenas to June 26, 2020.

Last night, Respondents and non-party Process & Industrial Development Limited ("PID") submitted a pre-motion letter, citing the Court's Individual Rules of Practice in Civil Cases 2.C, and advising the Court that Respondents intend to file a motion to vacate the Court's Order, quash the subpoenas, and stay discovery while its motion to vacate is pending. See ECF 12.

Pursuant to the Court's Emergency Individual Rules and Practices in Light of Covid-19, we are writing via email to advise the Court that Applicants oppose the relief sought by Respondents, and if the Court will conduct a pre-motion conference we will file an opposition letter under the Court's Individual Rules of Practice in Civil Cases 2.C. However, we are not convinced that the letter is an appropriate way to proceed given the relief Respondents seek. While this entire proceeding of course concerns discovery, the parties are not disputing the scope of discovery or debating issues of burden or confidentiality for example. Instead, Respondents seek to vacate the Court's Order, and the Court's Individual Rules of Practice in Civil Cases 2.C does not appear to apply to such an application. If the Court will proceed via a pre-motion conference, Applicants will submit a responsive letter by Thursday, June 25, 2020. However, if no pre-motion conference will be conducted, Applicants will not burden the Court with a responsive letter and will reserve our opposition for a response to any motion actually filed by Respondents. Therefore, please advise whether the Court will conduct a pre-motion conference. Thank you for your consideration.

Respectfully Submitted,

Austin Kim

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